

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.

Index No.:

Date purchased:

SUMMONS

Plaintiff designates

Kings

County as the place of trial

The basis of venue is

Plaintiff's residence

Plaintiff resides at

4373 Bedford Avenue

Brooklyn, New York

To the above-named Defendants:

YOU ARE HEREBY SUMMONED to answer, or, if the complaint is not served with this summons, to serve notice of appearance, on the Plaintiff's attorneys within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: April 27, 2017

Defendants' address:

XYZ Corp. d/b/a Midnight Fleet
2600 Emmons Avenue
Brooklyn, NY 11235Jeffrey Nagler
2600 Emmons Avenue
Brooklyn, NY 11235

Farimah S. Ghaffari, Esq.

GOIDEL & SIEGEL, LLP

Attorneys for Plaintiff

56 West 45th Street, Third Floor

New York, New York 10036

Tel No.: (212) 840-3737

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

-----X
IRA BROWN,

Index No.:

Plaintiff,

COMPLAINT

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and
JEFFREY NAGLER,

Defendants.
-----X

Plaintiff, IRA BROWN ("Plaintiff"), by his attorneys, Goidel & Siegel, LLP, for his complaint against Defendants, XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER (hereinafter collectively referred to as the "Defendants"), respectfully alleges as follows:

1. On August 24, 2016, Plaintiff was a resident of the State of New York, residing at 4373 Bedford Avenue, Brooklyn, New York.
2. On August 24, 2016, upon information and belief, XYZ CORP. d/b/a MIDNIGHT FLEET was the owner of Captain Midnight, (the "Location") located at 2600 Emmons Avenue, Brooklyn, New York.
3. On August 24, 2016, upon information and belief, JEFFREY NAGLER was the owner of Location.
4. On August 24, 2016, Plaintiff was lawfully inside the Location.

FIRST CAUSE OF ACTION AGAINST DEFENDANTS

5. Plaintiff repeats and reiterates the allegations set forth in paragraphs "1" through "4" with the same force and effect as if each was fully set forth herein.
6. On August 24, 2016, while lawfully inside the Location, Plaintiff was caused to fall ("the Incident") as a result of a dangerous condition ("the Defect") existing on a

staircase ("the Staircase") of the Location.

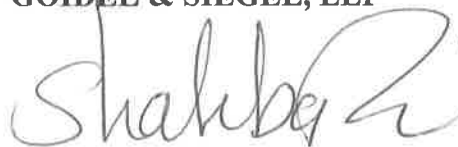
7. The incident occurred solely as a result of the Defect.
8. Defendants were responsible for the care, maintenance, repair, and control of the Location, inclusive of the Staircase.
9. Defendants failed to properly care for, maintain, repair, and control the Location, inclusive of the Staircase.
10. On August 24, 2016, Defendants had prior notice of the Defect.
11. On August 24, 2016, Defendants failed to remedy and/or repair the Defect of which they had prior notice.
12. Defendants' failure to properly and adequately remedy and/or repair the Defect, of which they had prior notice, was negligent.
13. On or before August 24, 2016, Defendants caused and/or created the Defect.
14. On August 24, 2016, Defendants failed to remedy and/or repair the Defect that they caused and/or created.
15. Defendants' failure to properly and adequately remedy and/or repair the Defect they caused and/or created was negligent.
16. As a result of Defendants' negligence, Plaintiff sustained severe, serious and permanent injuries.
17. As a result of the incident caused by Defendants' negligence, without any contributory negligence on the part of Plaintiff, Defendants are liable to Plaintiff in an amount in excess of the jurisdictional limits of all inferior courts plus interest, costs, and disbursements.

WHEREFORE, Plaintiff demands judgment against Defendants on first cause of action for an amount of damages in excess of the jurisdictional limit of all inferior trial courts of this State, plus interest, costs and disbursements, and for such other and further relief as this Court deems just and proper.

Dated: New York, New York
April 27, 2017

Yours, etc.,

GOIDEL & SIEGEL, LLP



By: Farimah S. Ghaffari, Esq.
GOIDEL & SIEGEL, LLP
Attorneys for Plaintiff
Office and Post Office Address
56 West 45th Street, 3rd Floor
New York, New York 10036
(212) 840-3737

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SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF KINGS

IRA BROWN,

Plaintiff,

-against-

XYZ CORP. d/b/a MIDNIGHT FLEET and JEFFREY NAGLER,

Defendants.

SUMMONS & COMPLAINT

GOIDEL & SIEGEL, LLP
Attorney(s) for **PLAINTIFF**
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To
Attorney(s) for

Service of copy of the within
Dated,

is hereby admitted.

Attorney(s) for

Sir: Please take notice

☐ NOTICE OF ENTRY

that the within is a (certified) true copy of a
duly entered in the office of the clerk of the within named court on

19

☐ NOTICE OF SETTLEMENT

that an order
settlement to the HON.

of which the within is s true copy will be presented for
one of the judges

of the within named Court, at
on the day of

at M.

Dated,

Yours, etc.

GOIDEL & SIEGEL, LLP
Attorney(s) for
Office and post Office Address, Telephone
56 WEST 45th STREET
NEW YORK, NEW YORK 10036
(212) 840-3737
FAX: (212) 840-3793

To

Attorney(s) for